



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

May 11, 2006

Certified Mail: 7001 0360 0000 3637 2994  
Return Receipt Requested

Gailen J. Hull  
Vice President  
Kaanapali Land, LLC  
900 N. Michigan Ave.  
Chicago, IL 60611-1542

Re: Third Request for Information pursuant to 42 U.S.C. § 9604(e)  
Oahu Sugar Company on Waipio Peninsula portion of the Pearl Harbor Naval  
Complex Superfund Site

Dear Mr. Hull:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to actual or threatened releases of hazardous substances, pollutants and contaminants at the Waipio Peninsula portion of the Pearl Harbor Naval Complex National Priorities List ("NPL") Superfund Site ("PHNC") previously operated by the Oahu Sugar Company, Oahu Sugar Company, Limited and Oahu Sugar Company, LLC (collectively and individually, "OSCO"), hereinafter the Oahu Sugar Removal Superfund Site ("Site"). On May 20, 1997 the Hawaii Department of Health ("DOH") conducted surface soil sampling at the Site. The sampling results revealed high concentrations of various dioxin congeners, which include pentachlorophenol and dioxin contamination as high as 1,530 parts per billion (ppb) for 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8 TCDD) toxicity equivalents.

EPA is conducting this investigation to determine the nature and extent of contamination at the Site to assess the effects of contamination on the environment and public health and to identify activities and parties that contributed to contamination of the Site. EPA believes that OSCO and its past and current parent corporations have information which may assist the Agency in its investigation of the Site. The purpose of this letter is to request information that Kaanapali Land, LLC may have pertaining to OSCO and this Site. Based on Kaanapali Land, LLC's 2004 Annual Report to the United States Securities and Exchange Commission,

Kaanapali Land, LLC identified OSCO as one of its subsidiaries. As you know, OSCO recently filed for Chapter 7 bankruptcy in the United States Bankruptcy Court for the Northern District of Illinois on or about April 19, 2005.

We encourage you to give this matter your immediate attention and request that Kaanapali Land, LLC provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter.

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). Please be advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. §§ 3502(3), 3507, and 3512. See, also, 5 C.F.R. §§ 1320.3(c), 1320.5, and 1320.6(a). Furthermore, this request is exempt from OMB review under the Paperwork Reduction Act because it is part of an investigation of a specific individual or entity. 44 U.S.C. § 3518(c)(1); 5 C.F.R. § 1320.4.

Instructions on how to respond to the questions are described in Enclosure A and the questions are found in Enclosure B. Please return your written response to this request for information, signed by you or a duly authorized official of Kaanapali Land, LLC, within thirty (30) calendar days of receipt of this letter. Please direct your response to:

Lewis Mitani (SFD-8-3)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, or if you have questions about the history of the Site, the nature of the environmental conditions at the Site, please contact Lewis Mitani at (415) 972-3032. Please direct any legal questions to Larry Bradfish at (415) 972-3934.

We appreciate and look forward to your prompt response to this information request.

Sincerely,



John Chesnutt  
Chief, DoD and Pacific Islands Section  
Superfund Division

Enclosures

cc

L. Mitani, EPA  
W. McFarlane, Esq.  
David S. Curry, Esq.  
Timothy R. Casey, Esq.  
Andrew J. Maxwell, Esq.  
R. C. Friedman, Office of U.S. Trustee